

February 2, 2009

Terry Roberts, Director of State Clearinghouse
Governor's Office of Planning and Research (OPR)
P. O. Box 3022,
Sacramento, CA 95812-3044

**RE: Preliminary Draft California Environmental Quality Act (CEQA) Guidelines
Amendments for Greenhouse Gas (GHG) Emissions**

Dear Ms. Roberts:

The Riverside County Waste Management Department (RCWMD) has reviewed OPR's preliminary draft CEQA Guidelines amendments for GHG Emissions and is offering the following comments for your consideration:

General Comments

1. It is evident that the preliminary draft regulatory amendments are intended to follow the existing basic CEQA framework for environmental analysis, including the determination of baseline conditions, determination of significance, and evaluation of mitigation measures. However, as proposed, the amendments to the language for the determination of baseline conditions are general and do not define what baseline conditions mean with respect to GHG emissions. This is a critical issue, because evaluation and determination of a project's GHG impacts will be difficult without a definitive knowledge of the baseline conditions of GHG emissions. (See also "**Specific Comments**" below.)
2. The environmental issue associated with GHG is so unique that it is important that the CEQA Guidelines provide enough clarity in the regulatory requirements for environmental analysis and yet preserve the discretionary authority of lead agencies. The preliminary draft amendments attempt to attain this delicate balance and have apparently done so in the areas of threshold of significance for GHG emissions and mitigation for GHG impacts. Instead of identifying a GHG emissions significance threshold, the amendments suggest many factors for consideration that would constitute the substantial evidence on which the determination of significance of GHG impacts will be based. Instead of recommending specific mitigation measures, the amendments encourage the use of programmatic mitigation plans and programs to which individual project analyses can tier. These efforts are appropriate and commendable.

Specific Comments

§ 15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions:

1. This section should specify that the determination of significance of impacts is based on net GHG emissions over and above existing baseline conditions.

§ 15125. Environmental Setting:

2. This section needs to clearly define what baseline condition means with respect to evaluation of environmental impacts from GHG emissions. The existing *Guidelines* focus on the description of the physical environmental conditions in the vicinity of the project as being the regional setting or baseline condition. However, GHG emissions are not restricted by geographic boundaries, making it difficult to describe baseline GHG emissions conditions in terms of "physical environmental conditions in the vicinity of the project." It is recommended that OPR consider using the "business-as-usual" (BAU) GHG emissions inventory established in a climate action plan or alike by a public agency for the region that encompasses the project site as the baseline conditions for analysis of impacts from project GHG emissions.

§ 15126.4. (c) Mitigation Measures Related to Greenhouse Gas Emissions:

3. The proposed amendment should clearly indicate that mitigation measures are not necessary for biogenic GHG emissions, which are carbon neutral.
4. Since transportation contributes to the biggest proportion of GHG emissions within the State, the proposed Guideline should place special emphasis on the reduction of vehicle-miles-traveled (VMT) as a feasible means of mitigating GHG emissions associated with project-related traffic.
5. Another feasible mitigation measure for transportation-related GHG emissions would be the use of low carbon fuel or other alternative fuels.

§ 15130. Discussion of Cumulative Impacts:

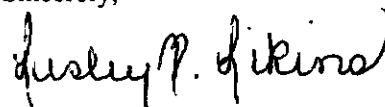
6. The proposed amendment requires that an adequate discussion of significant cumulative impacts include a list of past, present, and probable future projects producing related or cumulative impacts. The required list of projects may be impossible to compile, because the CEQA analyses prepared for most, if not all, past projects probably contained no discussions of global warming impacts or estimates of project GHG emissions. It would be impractical to require a current project's environmental analysis document to include a retroactive environmental analysis of the GHG impacts from past projects. Therefore, the proposed amendment should suggest a more practical way of preparing a cumulative impact analysis for GHG emissions.

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7. It is recommended that OPR coordinate with the Air Resources Board for an investigation of the feasibility of a statewide cumulative impact threshold for GHG emissions.

Thank you for the opportunity to comment on the preliminary draft amendments to the CEQA Guidelines. The RCWMD would appreciate receiving all public notices regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lesley B. Likins". The signature is written in a cursive, flowing style.

Planning Manager
Lesley B. Likins